HON'BLE SMT. JUSTICE T.MEENA KUMARI

AND

HON'BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.1199 of 2000

JUDGMENT: (Per Hon'ble Smt. Justice T.Meena Kumari)

This writ appeal is preferred by the Andhra Pradesh State Road Transport Corporation against the order of the learned single Judge in W.P.No.21916 of 1998 dated 17-08-2000 directing the Corporation to regularise the services of respondent - writ petitioner in the Zonal Workshop, Cuddapah, on par with his juniors by setting aside the order dated 01-07-1997.

The brief facts of the case are that the respondent was provisionally selected as Khalasi by the Corporation and he was allotted to the Zonal Workshop, Cuddapah, and later on, he was posted to work at Hindupur depot. The contention of the respondent is that even though he is a Senior Khalasi at Zonal Workshop, Cuddapah, he was posted at Hindupur, Anantapur district, in spite of availability of vacancies in Cuddapah region, thereby affecting his seniority. Further, the respondent has not given the option to be posted at Hindupur. Apart from this, the Corporation has regularised his services in the Cuddapah region with effect from 01-07-1997 instead of 27-05-1993. The stand of the Corporation was that the respondent was appointed as temporary Khalasi at Zonal Workshop, Cuddapah, and since there were no vacancies in Cuddapah region and the respondent failed to exercise his option to work in Ananthapur, his services were regularised with effect from 01-07-1997 duly maintaining his seniority in Zonal Workshop, Cuddapah. The learned single Judge after considering the rival contentions allowed the writ petition.

Heard learned standing counsel for the appellant – Corporation and learned counsel for the respondent – workman.

We have perused the impugned order and the relevant record. The learned single Judge found that there is no dispute in respect of lien of the respondent being continued in Cuddapah zone and as such, his services have to be regularised on par with his juniors in Cuddapah zone, but not in Ananthapur as he has not exercised the option to work at Ananthapur. Learned single Judge further upheld the contention of the respondent that he is entitled to regularisation of services in the Zonal Workshop, Cuddapah, with effect from 27-05-1993.

Admittedly, the respondent was appointed in the Zonal Workshop, Cuddapah, and he was posted at Ananthapur not at his option. It is seen from the record that some of the khalasis appointed in Cuddapah region have opted to work at Ananthapur and they have been regularised in Ananthapur along with the petitioner. Learned counsel for the respondent submits that the respondent has to be regularised in Cuddapah region by fixing his seniority at appropriate place and this will not affect existing workmen as vacancies are available now. In these circumstances, we uphold the view taken by the learned single Judge. However, in view of the submission of the learned counsel on either side that the Zonal workshop is treated as independent unit and the respondent workman is continuously working in the Zonal Workshop, Cuddapah, we make it clear that the appellants shall regularise the services of the respondent in the Zonal Workshop, Cuddapah, on par with his juniors.

Subject to the above, the writ appeal is disposed of.

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SMT. T.MEENA KUMARI, J

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P.LAKSHMANA REDDY, J

08-08-2005

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HON’BLE SMT. JUSTICE T.MEENA KUMARI

AND

HON’BLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL No.1199 of 2000

08-08-2005

Between:

APSRTC rep. by its Executive Director,

Cuddapah Zone, Cuddapah, & others. ..Appellants

And

Y.Nageswara Rao, S/o Bala Subrayudu,

40 years, Khalasi/CIeaner, E.408975,

Gudipadu (Post and V), Duvvur (Mandal)

Cuddapah district – 516 175.

.. Respondent